

Notice of Allowability

Application No.

09/929,865

Examiner

BJ Forman

Applicant(s)

HENDERSON ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers of 10 June 2005 and interview of 25 August 2005.
2. ☒ The allowed claim(s) is/are 1-13 and 21-35.
3. ☒ The drawings filed on 14 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

BJ FORMAN, PH.D.
PRIMARY EXAMINER

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NOTICE OF ALLOWANCE

STATUS OF THE CLAIMS

1. This action is in response to papers filed 10 June 2005 in which claims 1 and 35 were amended, claims 14-20 were canceled and claims 36-38 were added. The amendments have been thoroughly reviewed and entered. This action is further in response to amendments agreed upon during an interview between the examiner and Mr. Austin on 25 August 2005.

The previous rejections in the Office Action dated 10 February 2005 are withdrawn in view of the amendments and Applicant's remarks on page 9. The amendments and remarks place the pending claims in condition for allowance.

Claims 1-13 and 21-35 are in condition for allowance.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Austin on 25 August 2005.

The application has been amended as follows:

Cancel Claims 36-38.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The claims are drawn to a device comprising at least an X, Y controller and an X, Y translation stage which move independently of each other to position a deposition substrate or a loading substrate sequentially under a deposition probe. The device is clearly illustrated in Fig. 2 wherein the X, Y controller (#14) and X, Y translation stage (#18) are positioned individually. The independence of the controller and translation stage is described throughout the specification. For example on pages 8-9 the specification describes differing precision requirements for sequential movement the controller and translation stage.

The operative end of the X, Y controller 14, as illustrated in Figure 2, may be positioned in such a manner that the controller will move the deposition substrate 25 underneath the deposition probe 12 with micron precision and will also be able to move the substrate 25 out of the way to allow the X, Y translation stage 18 to move the loading substrate 27 under the probe 12 (page 8, lines 25-29).

In one embodiment, the X, Y translation stage 18 may utilize the same type of X, Y positionable inchworm or piezo device as the X, Y controller 14. In alternative embodiments the X, Y translation stage 18 may not require such microfine control since the deposition material may be placed in a much larger, and therefore easily accessible, domain on the loading substrate 27 compound with the domain created on the deposition substrate 25 (page 9, lines 24-28).

Additionally, the specification (page 15) describes sequential movement the various components of the device by using the word "then". This passage clearly defines independent movement of the controller and translation stage.

The deposition probe 12 is then withdrawn using the Z controller 16. The loading substrate 27 is then moved by the X, Y translation stage 18 out of position beneath the probe 12. The X, Y controller 14 then moves the deposition substrate 25 into position underneath the probe 12. The probe 12 is then brought down into position by the Z controller 12 and the humidity cycle repeated to deposit the deposition material on the deposition substrate 25 (page 15, lines 2-6).

The prior art does not teach or suggest a device comprising two X, Y translation components that are functionally independent as presently claimed.

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Claims 1-13 and 21-35 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (571) 272-0745. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.


Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

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